

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 17, 2000

DIVISION ONE

B135445 Cox Radio, Inc., et al. (Not for Publication)

v.

Superior Court, Los Angeles County
(Tammy Bruce, r.p.i.)

Let a peremptory writ of mandate issue commanding the trial court (1) to vacate its order of August 4, 1999, denying Cox Radio's motion to strike Bruce's causes of action for defamation and conspiracy to defame, and (2) to enter a new order granting Cox Radio's motion. Cox Radio is awarded its costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Masterson, J.

B130849 Kenneth K. Chemi, et al. (Not for Publication)

v.

CNA Casualty Company of California

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION ONE (Continued)

B123650 Jeffrey Neason, a Minor, etc., et al. (Not for Publication)

v.

The Regents of the University of California et al.

The judgment is affirmed. The Regents are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Masterson, J.

B128726 Jacqueline Richardson (Not for Publication)

v.

The Aerospace Corporation

The judgment is affirmed. The Aerospace Corporation is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Masterson, J.

B127439 Jeanne Curran et al. (Not for Publication)

v.

Mitsubishi Motors Corporation of America et al.

The orders are affirmed. Defendants are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION ONE (Continued)

B123956 WM. R. Clarke Corporation (Certified for Publication)
v.
Safeco Insurance Company Of America et al.

The judgment is affirmed. Clarke is awarded its costs of appeal

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B121714 People (Not for Publication)
v.
Ross

We affirm the judgment.

Ortega, J.

We concur: Spencer, P.J.
Ortega, J.

B133955 People (Not for Publication)
v.
Jonathan A.

The order of wardship is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION ONE (Continued)

B127931 KNB Enterprises (Certified for Publication)
 v.
 Greg W. Matthews

We reverse the summary judgment for defendant and remand for further proceedings. Plaintiff is awarded costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B135544 People (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Gerald Johannes, r.p.i.)

We issue the writ and vacate the trial court's order dismissing the petition. We remand the case to the trial court with instructions to reinstate the petition, issue an order finding probable cause to support it, and set the case for trial.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B129791 People (Not for Publication)
 v.
 Bradford,

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Masterson, J.

DIVISION TWO

B128560 Gulf Insurance Company (Not for Publication)
v.
Berger, Kahn, Shafton, Moss, Figler, Simon & Gladstone

The summary judgment is reversed, costs on appeal awarded to Gulf and the matter remanded to the trial court.

Mallano, J. (Assigned)

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B122953 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Schneider, J. (Assigned)

B121949 Dennis McMullen (Not for Publication)
v.
Fifteenth Street Association et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B132501 J. Cal Transportation, Inc., etc., et al. (Not for Publication)
v.
Griffith Company

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B127683 People (Not for Publication)
v.
Jung

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B125710 People (Not for Publication)
v.
Shabazz

The judgment is affirmed, except that appellant's sentence is vacated, the true findings as to the allegations that appellant suffered three prior felony convictions pursuant to the Three Strikes Law and one prior serious felony conviction pursuant to Penal Code section 667, subdivision (a), are reversed, and the matter is remanded for a new trial as to those allegations, a new sentencing hearing, and for further appropriate proceedings not inconsistent with this opinion.

Croskey, J.

We concur: Klein, P.J.
Schneider, J. (Assigned)

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Berle, J. (Assigned) and V. Guzman, Deputy Clerk.

B128311 Hernandez
 v.
 California Hospital Medical Center

Merits:
Argued by Stewart Levin for appellant and by Adrian J. Guidotti for respondent. Cause submitted.

B122342 Maynard
 v.
 Larson

Merits:
Argued by David J. Cohen for appellant and by Steven J. Renick for respondent. Cause submitted.

B128918 Leyton
 v.
 FDR Holidays, LTD.

Merits:
Argued by Richard Comess for appellant and by Buffy Lyn Roney for respondent. Cause submitted.

B128698 Zhang
 v.
 Yu

Merits:
Argued by Clint F. Fedderson for appellant and by Robin James for respondent. Cause submitted.

Court in recess.

DIVISION FOUR (Continued)

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Berle, J. (Assigned) and V. Guzman, Deputy Clerk.

B130057 Nicoletti et al.
 v.
 Judlicka et al.

Merits:

Argued by Daniel P. Barer for appellants and by Mark E. Overland for respondents. Cause submitted.

B130875 People
 v.
 Simon

Merits:

Argued by Lance A. Russell for appellant and by Sharlene A. Honnaka, deputy attorney general, for respondent. Cause submitted.

B126820 People
 v.
 Arana

Merits:

Argued by Victor Salerno for appellant and by Ronald A. Jakob, deputy attorney general, for respondent. Cause submitted.

B121713 Gwinnett et al.
 v.
 County of Los Angeles

Merits:

Argued by Elliott L. Aheroni for appellants and by Barry M. Wolf for respondent. Cause submitted.

DIVISION FOUR (Continued)

B130253 Freeman
v.
Compass Group USA, Inc., et al.

Merits:
Argued by Wendy M. Harris for appellant and by Brandie N. Charles for respondents. Cause submitted.

Each of the following:

B131860 People v. Orellano
B131830 People v. Thomas
B129370 People v. Creswell
B128359 People v. Glee
B132019 People v. Jose Angel C.
B125674 People v. Holden
B137184 Donnalynn M. v. S.C.L.A. (DCFS)
B136644 Marcelina A. v. S.C.L.A. (DCFS)
B131741 D.C.F.S. v. Octavio A.
B131184 D.C.F.S. v. Miguel O.
B131943 D.C.F.S. v. William F.
B133237 McEldowney v. McEldowney

Argument waived, cause submitted.

Court Adjourned.

DIVISION FIVE

B131747 People (Not for Publication)
v.
Edgar Contreras

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B127694 People (Not for Publication)
v.
George Wickham

On remand, the trial court is to either impose or strike the Penal Code section 12022.7, subdivision (a), enhancement as to count 5 in compliance with Penal Code section 1385, subdivision (a). The judgment is modified to reflect the \$200 Penal Code section 1202.45 restitution fine discussed in the body of the opinion. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B133778 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Steven H.

The May 24, 1999, Welfare and Institutions Code section 366.26 parental rights termination order is reversed. The juvenile court is to conduct a new Welfare and Institutions Code section 366.26 selection and implementation hearing after giving notice to the father, Steven H., which fully complies with Welfare and Institutions Code section 366.26, subdivision (a). The remittitur is to issue forthwith.

Turner, P.J.

We concur: Grignon, J.
Weisman, J. (Assigned)

February 17, 2000-Continued

DIVISION SIX

B129112 People v. Herrera (Not for Publication)

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B127164 People (Not for Publication)
v.
Palefax

The judgment is modified to show a restitution fine of \$200, a parole revocation fine of \$200, a laboratory analysis fee of \$300, a state penalty assessment of \$300 and a county penalty assessment of \$210.00. The clerk of the superior court is ordered to prepare and forward to the Department of Corrections a corrected abstract of judgment reflecting the fines, fees and penalties referred to above. As modified, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B132528 People (Not for Publication)
v.
Robinson

The order denying appellant's motion to suppress and the judgment are affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B132868 People (Not for Publication)
v.
Patton

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.